

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MAY 14, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - VAC-33475 - APPLICANT: CITY OF LAS VEGAS - OWNER: WEINGARTEN NOSTAT, INC.**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:**

1. All development shall be in conformance with code requirements and design standards of all City Departments.
2. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
3. The limits of this Petition of Vacation shall be the full width of the 100-foot wide Public Drainage Easement located at the southeast corner of Decatur Boulevard and Charleston Boulevard as recorded by document #20010517:01313.
4. A new easement acceptable to the Flood Control section of Public Works shall be granted prior to Recordation of an Order of Vacation.
5. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request from the City of Las Vegas to Vacate a 100-foot wide drainage easement generally located at the southeast corner of Decatur Boulevard and Charleston Boulevard. The City will be granted a replacement easement on the same property. The new easement will benefit the property owner by being further away from anchor stores, and will be smaller in size. The new easement will benefit the City of Las Vegas by following a more linear path, and will allow for increased hydraulics. Thus, the vacation of the existing drainage easement and the eventual execution of the new easement will benefit both parties involved; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/22/62	The City Council approved a request for reclassification of property (Z-0075-62) from R-E (Residence Estate) to C-1 (Limited Commercial), generally located south of Charleston Boulevard and west of Arville Street. The Planning Commission recommended approval.
12/22/92	The City Council approved a request for a Special Use Permit (U-0289-92) to allow coin operated gaming machines, and to allow a Beer\Wine\Cooler On-Sale use on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Board of Zoning Adjustment recommended approval
06/21/00	The City Council approved a request for a Special Use Permit (U-0061-00) for a Minor Automotive Repair in conjunction with a proposed retail store (Wal-Mart Super Store) on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended approval.
06/21/00	The City Council approved a Site Development Plan Review [Z-0075-62(16)] and [Z-0048-61(6)] for a proposed 564,476 square-foot commercial center on the southeast corner of Charleston Boulevard and Decatur Boulevard. The Planning Commission recommended approval.
08/16/00	The City Council approved a request for a Special Use Permit (U-0095-00) for the sale of packaged liquor in conjunction with an approved retail store on the southeast corner of the intersection of Charleston Boulevard and Decatur. The Planning Commission recommended approval.
10/04/00	The City Council approved a request for a Special Use Permit (U-0144-00) for a building and landscape material lumberyard in conjunction with a proposed home improvement store on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission recommended approval.

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10/04/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(17)] for a proposed 571,410 square-foot commercial center on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission also recommended approval.
05/15/02	The City Council approved a request for a Special Use Permit (U-0018-02) for gasoline sales at a proposed fuel kiosk located adjacent to the south side of Charleston Boulevard, approximately 1,070 feet west of Arville Street. The Planning Commission recommended approval.
06/13/02	The Planning Commission a request for a Site Development Plan Review [Z-0075-62(18)] for a proposed 5,200 square-foot Chinese restaurant on approximately 1.18 acres located adjacent to the south side of Charleston Boulevard, approximately 800 feet east of Decatur Boulevard.
04/02/03	The City Council approved a Required One Year Review (RQR-1953) of an approved Special Use Permit (U-0061-00) for a Minor Auto Repair Facility in conjunction with a retail store located adjacent to the southeast corner of Charleston Boulevard and Decatur. The Planning Commission recommended approval.
07/07/04	The City Council approved a request for a Site Development Plan Review (SDR-4286) with a Waiver of the Landscaping Requirements for a restaurant on 8.99 acres adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur. The Planning Commission recommended approval.
07/07/04	The City Council approved a request for a Special Use Permit (SUP-4287) for a Supper Club adjacent to the south side of Charleston Boulevard, approximately 480 feet east of Decatur Boulevard. The Planning Commission recommended approval.
09/23/04	The Planning Commission approved a request for a Site Development Plan Review (SDR-4619) for two proposed restaurant pads within an existing commercial center on 10.69 acres adjacent to the southeast corner of Decatur Boulevard and Charleston Boulevard.
04/09/09	Per the applicants' request, the Planning Commission held in abeyance a request for a Vacation (VAC-33475) to vacate a 100-foot wide drainage easement generally located at the southwest corner of Decatur Boulevard and Charleston Boulevard, until the 05/14/09 Planning Commission Meeting.
<i>Related Building Permits/Business Licenses</i>	
The subject site is the location of a regional shopping center; as such, there are numerous building permits and business licenses associated with the site. None of the existing permits or licenses will be affected by this Vacation request of an existing drainage easement.	
<i>Pre-Application Meeting</i>	
A pre-application meeting was neither required nor held for this Vacation request.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was neither required nor held for this Vacation request.	
<i>Field Check</i>	
03/05/09	During a routine site inspection Staff observed a well maintained shopping center

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	38.42 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Regional Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Shops and Offices	SC (Service Commercial)	C-1 (Limited Commercial)
	Offices	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking) Under Resolution of Intent to C-1 (Limited Commercial)
South	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Condominiums	M (Medium Density Residential)	R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Shopping Center and an Undeveloped Portion	SC (Service Commercial)	C-1 (Limited Commercial) / R-E (Residence Estates)
	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
	Offices and a Church	SC (Service Commercial)	P-R (Professional Office and Parking)
	Offices	SC (Service Commercial)	C-D (Designed Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

JB

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LEGAL DESCRIPTION

A request has been received from the City of Las Vegas to Vacate a drainage easement generally located at the southeast corner of Charleston Boulevard and Decatur Boulevard.

The above property is legally described as follows:

A portion of the northwest quarter (NW1/4) of Section 6, Township 21 South, Range 61 East, M.D.M., in Clark County, Nevada, being those drainage easement rights lying over, across, and under that parcel of land described by Exhibit "A", exclusively, of that right-of-way grant for drainage purposes, recorded May 17, 2001 in Book 20010517 as Instrument Number 01313 of Clark County, Nevada records, but not to include those drainage easement rights lying over, across, and under that parcel of land described by Exhibit "B" of said right-of-way grant for drainage purposes.

ANALYSIS

A) Planning discussion

This is a request to Vacate a drainage easement generally located at the southeast corner of Charleston Boulevard and Decatur Boulevard. The City of Las Vegas will be granted a replacement easement on the same property that will be located further away from the anchor stores of the shopping center on the subject site, be smaller in size, and follow a more linear path, allowing increased hydraulics. The replacement easement will benefit both the property owner and the applicant.

B) Public Works discussion

This Vacation application proposes to vacate an existing 100-foot wide public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT

3

SENATE DISTRICT

11

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NOTICES MAILED 3

APPROVALS 0

PROTESTS 0